



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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3/21/2012

In Reply Refer to:

2800(P)

CACA-048880

(CA660)

RETURN RECEIPT REQUESTED

NOTICE

Genesis Solar, LLC	:	CACA-048880
700 Universe Boulevard	:	Right-of-Way
Juno Beach, FL 33408	:	FLPMA
	:	

Notice to Resume Construction Activities

On November 30, 2010, the Bureau of Land Management (BLM) issued a right-of-way (ROW) grant to Genesis Solar, LLC, to construct, operate, maintain, and decommission a 250 MW nominal solar thermal power project and its ancillary facilities (Genesis Solar Project). The project consists of two adjacent and independent power block units of 125 MW nominal capacity each (referred to as Units 1 and 2), with onsite facilities including an administration building, parking area, maintenance building, switchyard, bioremediation areas, wastewater treatment facilities, access and maintenance roads (either dirt, gravel, or paved), perimeter fencing, central gas pipeline, a distribution line, above- and below-ground fiber optic lines, and water wells. Off-site facilities include an access road to the site, a distribution line, gas pipeline, above- and below-ground fiber optic lines, and a new double-circuit 230 kV generation-tie line. The ROW describes approximately 1,950 acres of public lands, more or less, in Riverside County, California.

On December 10, 2010, the BLM authorized Genesis Solar, LLC, to begin construction on Phase I of the Genesis Solar Project as identified in an approved Plan of Development. Phase I construction consisted of perimeter fencing around the project site and the access road to the project site. On August 24, 2011, the BLM authorized Genesis Solar, LLC, to begin construction on Phases II and III, as identified in this same approved Plan of Development. Phase II and Phase III would consist of all necessary construction activities to construct a 250 MW parabolic trough solar power plant including, but not limited to site preparation, grading, foundations, assembly and erection of solar field components, installation of piping systems, installation of electrical systems, steel erection, setting of equipment related to the circulation of heat transfer fluid and steam generation systems, setting of equipment related to water treatment systems, and installation of power distribution and transmission.

Stipulations contained in the ROW Grant for the Genesis Solar Project require the holder to suspend all operations in the immediate area of any cultural and/or paleontological resource discovery and report such findings to the authorized officer. On November 14, 2011, Genesis Solar, LLC, discovered widely dispersed artifacts during grading activities in Unit 1, Blocks 2-4. By November 17, 2011, artifacts began

to be found with greater regularity and density. On November 17, the BLM orally instructed Genesis Solar, LLC, to halt all construction grading on Unit 1, Blocks 1 – 4 until a plan of action could be formulated. On November 21, the BLM, the California Energy Commission (CEC), and Genesis Solar, LLC, conferred and orally agreed that work would continue to be halted in Blocks 1-4 of Unit 1 while the parties developed a plan to address the finds pursuant to the Project's Programmatic Agreement (PA) and Historic Properties Treatment Plan (HPTP), including appropriate consultation with Native American Tribes and other interested parties. Since November 17, construction continued in Blocks 5-8 of Unit 1, where the probability of encountering archaeological materials was considered low.

Since halting work in Blocks 1-4, BLM consulted with Tribes, the State Historic Preservation Office, the CEC, Genesis Solar, LLC, and other parties as required by the PA and HPTP. Through this consultation, increased knowledge of the project site, and the professional opinion of BLM archaeologists, the BLM determined that certain areas of Blocks 1-4 have a low potential to contain undiscovered cultural material. This determination was based on a low concentration of cultural materials found during surface disturbing activities within similar portions of Blocks 1 and 4, and the high probability of similar results in the eastern portions of Blocks 2 and 3. On February 14, 2012, the BLM issued a notice to Genesis Solar, LLC authorizing it to resume construction activities, subject to certain conditions, in these areas including all of Block 1 and those portions of Blocks 2-4 located east of the Exclusion Zone as depicted on Appendix A of the February 14 Notice.

The February 14, 2012 Notice did not authorize any work to resume in the Exclusion Zone, an area that comprises those portions of Blocks 2-4 that were determined to have a higher potential to contain undiscovered cultural materials, including an area in Block 2 that appears to contain an archaeological deposit. In order to further analyze the extent and type of cultural resources in the Exclusion Zone, the BLM developed the "Controlled Grading Plan for Blocks 2 through 4 of Unit 1, Genesis Solar Energy Project, Riverside County, California" (CG Plan). This CG Plan was designed to focus first on identifying the horizontal and uppermost vertical limits of any cultural deposits in Blocks 2-4. Genesis Solar, LLC, was authorized to implement this CG Plan under a "Notice to Implement Controlled Grading Plan", dated February 24, 2012.

This CG Plan was implemented from February 27 to March 5, 2012, and is summarized in the following report (Attachment B) entitled: "Final Results for Controlled Grading Activities in Unit 1, Blocks 2-4 of the Genesis Solar Energy Project", dated March 16, 2012. Based on the observed distribution of artifacts from the controlled grading locations, a provisional site boundary was identified by BLM on a conference call between BLM, CEC, Genesis Solar, LLC, and AECOM on March 5, 2012. Under the plan of discovery procedures as outlined in Section 9.3 of the HPTP, a 200-foot protection buffer is established around any discovery of cultural materials constituting a site. However, since this site boundary is only inferred due to limited sampling and in an abundance of caution, an additional 300 feet has been added to the east of this buffer area in Blocks 2 and 3. At any time after the issuance of this NTP, Genesis may, after obtaining approval from the BLM and CEC, conduct up to four additional controlled grades in the eastern 300 feet of the revised exclusion zone in Blocks 2 and 3 to refine the exclusion zone's eastern boundary. Upon completion of those controlled grades, the BLM and CEC may determine if release of additional acreage for construction is warranted.

This additional buffer was not extended north of Block 2, into Block 1 because this area was already released for construction for reasons detailed in the February 14, 2012 Notice. The additional buffer was not extended into Block 4 because the shallow surface soils in this area, which overlie previous lake bed sediments, do not provide adequate substrate for an accumulation of cultural materials as evidenced during the controlled grading process. In the professional opinion of BLM archaeologists, the potential is low that the provisional site boundary, identified during implementation of the CG Plan, extends into Block 4. In an abundance of caution, however, surface sweeps of the undisturbed parts of Block 4 must

be undertaken to ensure that all surface artifacts are appropriately identified and recorded under both the Cultural Resource Monitoring and Mitigation Plan (CRMMP) and the HPTP for the project.

Although not included in the original Exclusion Zone under the February 14, 2012 Notice, Genesis Solar, LLC, has requested that construction activities resume in the portion of drainage Channel A located west of Blocks 1 and 2. The results of the CG Plan indicate a high probability that undetected subsurface cultural materials extend west of Block 2, as evidenced by the concentration of materials found in the vicinity of Controlled Grade #1 (see map-Attachment A) and the existence of the recorded surface archaeological sites CA-RIV-9223 and CA-RIV-9072 at this location. With respect to the portion of Channel A located west of Block 1, BLM has not yet determined whether there is a sufficiently low probability of encountering subsurface cultural materials to justify the authorization of construction activities in this area. For these reasons, drainage Channel A, in its entirety, is included in the Exclusion Zone as identified on the attached map.

Therefore, lands depicted on the attached map as the "Area Approved for Resumed Construction", located outside of the Revised Exclusion Zone, are released for construction. Prior to construction-related ground disturbance in Block 4, cultural and Native American monitors shall conduct a sweep of the remaining undisturbed parts of Block 4 and record all surface artifacts encountered. These artifacts will be considered extensions of previously identified and mitigated sites in that area and recorded in accordance with both the CRMMP and HPTP for the project. If the sweep or construction activities uncover cultural material that is extraordinary or substantially different from what has been previously recorded in the area, a protection buffer will be established and appropriate actions taken under the CRMMP and HPTP.

This notice replaces the Notices to Proceed issued on December 10, 2010, August 24, 2011, and February 14, 2012, for construction activities within this area.

If you have any questions, you may contact me at 760-833-7100.



John R. Kalish
Field Manager

Enclosures (1)

Appendix A- Map

Attachment B- Final Results for Controlled Grading Activities in Unit 1, Blocks 2-4 of the
Genesis Solar Energy Project

cc: Teri Raml, District Manager, California Desert District

Greg Miller, Renewable Energy Coordination Office Program Manager